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GENOCIDE

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to PM Butler
for HILL briefing
6/16/94

- o Based on the evidence we have seen from observations on the ground, we have every reason to believe that acts of genocide have occurred in Rwanda.
- o The UN Human Rights Commission appointed a Special Rapporteur who is to investigate this and other issues. His preliminary report is due later this month.
- o The Genocide Convention requires parties (1) to enact laws making genocide a crime, (2) to prosecute acts of genocide occurring within their own territory and (3) to extradite perpetrators to countries with which they have extradition treaties. As a factual matter, none of these obligations apply to the United States.
- o The Convention also contains a general article in which the parties declare that genocide is a crime under international law that they undertake to "prevent and punish." Our lawyers do not consider this article to add any specific obligations. It certainly does not require states to prevent and punish genocide anywhere that it occurs. And it does not authorize one state to intervene in the territory of another state to "prevent" genocide.
- o The situation in Rwanda itself compels the United States to respond. The absence of a legal obligation doesn't diminish our resolve. The United States has called for full accountability and individual responsibility. The expansion of UNAMIR, the UN arms embargo, and the appointment of a Special Rapporteur are some of the principal actions that the international community has taken.
- o We have used the term "acts of genocide" in both Bosnia and Rwanda to emphasize individual responsibility for the horrendous acts in Rwanda. The focus on "acts of genocide" stresses that individuals are accountable for specific acts in which they engage.
- o (if pressed) There is no legal significance to the use of the term "acts of genocide" instead of "genocide." Our use of the term in no way affects how we would respond to what we all agree is an horrific situation that must be stopped.
- o (if asked about specific incidents) Just as a newspaper refers to a killer as an "alleged murderer" until there is a conviction, in our official statement we avoid pronouncing on whether genocidal intent was present in a particular incident. In many cases, however, (e.g., the slaughter of orphan children) it's hard to see what other intent there might be.

Note to Pru: Killing of members of an ethnic group is genocide only if committed with the intent to wipe out the group in whole or in part. This "intent" element is one reason for the resistance to pronouncements that a particular incident is genocide.

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